

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN  
GRAND RAPIDS DIVISION**

In Re:

Case No. 21-02776

David Boyd, II

Chapter 7

Debtor(s).

Judge John T. Gregg

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**MOTION FOR RELIEF FROM AUTOMATIC STAY AS TO REAL PROPERTY  
LOCATED AT 2062 LAMER LN, HASLETT, MI 48840 AND TO WAIVE 14-DAY STAY  
PURSUANT TO RULE 4001(A)(3)**

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Now comes NewRez LLC d/b/a Shellpoint Mortgage Servicing as Servicer for US Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust (“Movant”) by and through counsel and states the following as its Motion for Relief from the Automatic Stay:

1. This action is commenced pursuant to 11 U.S.C. §361, 362, 363 and other sections of title 11 of the Bankruptcy Code.
2. David Boyd, II (“Debtor”) filed a Chapter 7 petition on December 28, 2021.
3. Pursuant to the provisions of 11 U.S.C. §362(a), the filing of the Debtor’s petition operates as an automatic stay against the Movant’s rights as a secured creditor to proceed against Debtor’s property. (A copy of the Movant’s proposed order is attached as “**Exhibit A**”).
4. On December 7, 2001, the Debtor executed and delivered to the Flagstar Bank, FSB (“Original Lender”) a Note (“Note”) in the amount of \$86,000.00. A copy of the Endorsed Note is attached as “**Exhibit B**.”
5. To secure payment of the Note, the Debtor executed and delivered a certain Mortgage (“Mortgage”) dated December 7, 2001 granting a security interest in real property located at 2062 LAMER LN, HASLETT, MI 48840 (“Property”), attached as “**Exhibit C**.”
6. The Mortgage was perfected by filing the mortgage with the Ingham County Register of Deed Office in Instrument Number 2001069283; Liber 2932; Page 928.
7. An Assignment of Mortgage was filed with the Ingham County Register of Deed Office in Instrument Number 2002065956; Liber 2985; Page 928, attached as “**Exhibit D**”
8. An Assignment of Mortgage was filed with the Ingham County Register of Deed Office in Instrument Number 2017041517 attached as “**Exhibit E**”

9. An Assignment of Mortgage was filed with the Ingham County Register of Deed Office in Instrument Number 2022009859 attached as “**Exhibit F**”
10. There remains due and owing on the Note and Mortgage the sum of \$75,527.91 including interest.
11. Movant is the holder of the Note and Mortgage, or is the assignee of the original lender, and has the right to enforce the Note and Mortgage according to their terms.
12. Movant has not been adequately protected by periodic payments or otherwise since the filing of the Debtor’s petition and there are arrearages of \$9,171.35 for the months of February 1, 2021 through current, plus late charges and other fees and costs.
13. Movant believes the Property has a value of \$136,000.00 according to the debtor’s schedules; that given any anticipated costs of sale, Debtor has no equity in the property that is subject to its Note and Mortgage and that said property is therefore of no value or of inconsequential value to the estate.
14. Continuation of the automatic stay will work real and irreparable harm to the Movant and will deprive it of the adequate protection to which it is entitled for the following reasons, among others:
  - a. Debtor may be without the funds necessary to preserve and maintain the property in good condition,
  - b. The condition and value of the property is decreasing,
  - c. Interest continues to accrue on the Movant’s claim against the Debtor and the Debtor’s contract is more than three months in arrears.
15. Movant is entitled to relief from the automatic stay to exercise its lien rights.
16. Movant specifically requests that the entry of this order shall be effective immediately upon entry and that the fourteen-day stay pursuant to Rule 4001(a)(3) prior to enforcement of the order requested herein be waived.

**WHEREFORE**, Movant prays this honorable Court order that the automatic stay be lifted to permit the Movant to enforce its security interest in the real property located at 2062 LAMER LN, HASLETT, MI 48840.

Respectfully Submitted,

/s/ Molly Slutsky Simons

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